

REMARKS

Claims 1-7 are currently pending in this application. For the reasons set forth below, Applicant believes that all rejections should be withdrawn and that Claims 1-7 are in condition for allowance.

REJECTION OF CLAIMS 1-7 UNDER 35 U.S.C. 102(b)

The Examiner rejected Claims 1-7 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent Publication No. 2002/0029951 to Beattie *et al.* ("Beattie"). In order to anticipate a claim under 35 U.S.C. 102(b), a reference must disclose each and every element of a claim. As discussed below, this rejection is respectfully traversed.

Claim 1

With respect to Claim 1, Beattie lacks one or more features of the claimed invention. Beattie discloses a transmission shifter with a lever-position locking device. However, Beattie does not disclose a lever assembly "wherein the lever body has a slit cut from a lower end of the lever body to a height position in an axial direction of the lever body, wherein the rod is mounted with a lock-pin extending in a transverse direction of the lever body, wherein the lock-pin protrudes outwardly through the slit", as claimed in Claim 1. Beattie does not disclose or suggest that the "level body 50 includes a slit 55 formed from the proximal end of large-diameter portion 50b to a predetermined height position." [page 14:3-4; Fig. 8]. As illustrated by Figure 8 of the present invention, the slit 55 extends upward from the bottom end of lever body (50). The characteristics of the slit as claimed in Claim 1, are not described or suggested by Beattie.

Beattie discloses a shift driver 34 that has a pawl 42 for engaging the notches 41 to control movement of the shift lever 34. [0033; Fig. 5]. The pawl 42 is biased upwardly, such that the pawl 42 engages the notches 41. The notches 41 are configured to control movement between gear positions PRNDL and are located in the undersides of arches 70 and 71. [0037; Fig. 4]. Beattie clearly does not describe a slit located in the shift lever. Since Beattie describes that the notches are located in the arches and not shift lever 34, Beattie cannot and does not describe the formation and/or properties of the slit of the present invention.

The slit 55 of the present invention is located in “a lower end of the lever body” and “has lock-pin 54 inserted and protruding therefrom” such that when the rod 51 is pushed down, the “slit 55 guides the lock-pin 54 to be vertically moved.” [page 14:5-8; Fig. 8]. The “slit 55 has a width which is set to such a value that a minimum clearance is ensured to slide lock-pin 54” and therefore, “no rattle is produced between lock-pin 54 and slit 55, which enhances the operating feeling of select lever 3.” [page 14:8-11; Fig. 8]. Furthermore, before insertion of the rod 51 in the lower body 50, the lock-pin 54 is inserted in the rod 51 in advance. [page 17:19-20; Fig. 8]. The rod 51, in which the lock-pin 54 is inserted, is inserted in the lever body 50 as another component. [page 17:20-22; Fig. 8]. The lever body 50 is fixed to the lever base 9, using the engagement member 62. [page 17:22-23; Fig. 8]. This facilitates press-fitting of the lock-pin 54 in the rod 51, without a special jig and allows the lever body 50 to be used as a design surface, without damaging the surface of the lever body 50. [page 17:23- page 18:1; Fig. 8]. The press-fitting of the lock-pin in the rod permits a small clearance between the slit formed to the lever body and the lock-pin in the slit. This dimensional accuracy therebetween enhances the operating feeling during shift operation. [page 18:2-6; Fig. 8]. The teachings of Beattie cannot achieve the technical advantages of the present invention as claimed in Claim 1.

None of the drawings or corresponding sections of the detailed description of Beattie, including Figure 5 as cited by the Examiner, show otherwise. Thus Claim 1 is patentable over Beattie.

Claims 2-5

Claims 2-5 depend directly from Claim 1. Accordingly, for at least the same reasons discussed above, Claims 2-5 are patentable over Beattie.

Claims 6 and 7

Claims 6 and 7 recite similar elements to those recited in Claim 1. Accordingly, for at least the same reasons discussed above, Claims 6 and 7 are patentable over Beattie.

Moreover, the Office Action fails to provide an explanation as to what drawings and/or sections of the Beattie reference discloses the steps claimed in independent method

Claim 6. Beattie does not disclose or suggest a method of assembling an operation lever comprising “mounting a locking member transversely to an operation rod of an operation lever; inserting the operation rod longitudinally in a tubular member of the operation lever, inserting the locking member longitudinally in an opening of the tubular member; and screwing the tubular member having the operation rod and the locking member and a base of the operation lever to each other” as claimed in Claim 6. Therefore, the rejection is improper and Claim 6 is patentable over Beattie.

Additionally, the Office Action fails to provide an explanation as to what drawings and/or sections of the Beattie reference discloses the properties of the slit of the lever body claimed in independent Claim 7. Beattie does not disclose or suggest an operation lever assembly of a vehicle transmission comprising a lever body wherein “the lever body has a slit cut from a lower end of the lever body to a height position in an axial direction of the lever body” and “wherein the slit has a width set to a predetermined minimum clearance value” as claimed in Claim 7. Therefore, the rejection is improper and Claim 7 is patentable over Beattie.

CONCLUSION

The foregoing is submitted as a complete response to the Office Action identified above. Applicant believes that all rejections are improper and should be withdrawn. The application should now be in condition for allowance, and the Applicant solicits a notice to that effect. If there are any issues that can be addressed via telephone, the Examiner is asked to contact the undersigned at 404.685.6799.

Respectfully submitted,

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